

Notice of Allowability

Application No.

10/049,209

Examiner

Christopher D. Koharski

Applicant(s)

KIRCHNER, CLAUDIA

Art Unit

3763

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 12/18/2006.
2. ☒ The allowed claim(s) is/are 1-31 and 33-44.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
 - * Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|---|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____ |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____ |

DETAILED ACTION

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a personal interview with Doug Pauley (Reg. #33,295) on 03/21/2007.

IN THE CLAIMS

Amend the claims as follows:

1. In a breast pump having an attachment (6) releasably applied to an opening of a container (2) and having a breast attachment element (6.1), and a manual pump unit (3) which is releasably connected to the attachment (6) by a connecting sleeve (5.3) or a connecting bore having a cap-shaped connecting section, and a pump piston (7) which can be moved back and forth in a stroke chamber (5.2) with an actuating handle (4), which is pivotable and has a retracting mechanism (8, 8'), the improvement comprising:

the cap-shaped connecting section and the stroke chamber (5.2) combined in a mutual cap element (5), which is fixed on the attachment (6) by retaining a means (5.1, 5.3) having a snap-in element (5.1) snapped together with the attachment (6) when the cap element is coupled to the attachment (6), and

the retracting mechanism (8) having one side acting on the actuating handle (4) and seated with an other side on the cap element (5), wherein seating

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elements are arranged on both lateral sections of the cap element (5) and on both lateral sections of the actuating handle (4) which in a form of a separable bearing pin/bearing eye connection form a pivot axis between the actuating handle (4) and the cap element (5).

2. (Previously Presented) In the breast pump in accordance with claim 1, wherein in a completely inserted state of the pump piston (7), a stroke chamber opening (5.4) on a side of the stroke chamber (5.2) facing away from the breast connection element (6.1) is covered by an upper section (4.1) of the actuating handle (4) which in a position of use is located above a pivot axis.

3. (Previously Presented) In the breast pump in accordance with claim 2, wherein the stroke chamber (5.2) in the cap element (5) is curved in an arc-shape in accordance with a movement path of the pump piston (7) which is actuated by an upper section (4.1) of the actuating handle (4).

4. (Previously Presented) In the breast pump in accordance with claim 3, wherein with the container attached, a pivot path of the upper section (4.1) of the actuating handle (4) near a connection to the pump piston (7) is selected so large that in a moved-out state at least an upper edge section of the pump piston (7) is outside of an upper opening edge of the stroke chamber opening (5.4).

5. (Previously Presented) In the breast pump in accordance with claim 4, wherein a retracting mechanism (8) has at least one tension spring, a suspension element (4.3) is positioned on the actuating handle (4), and a further suspension element is positioned on the cap element (5) so that with an inserted piston

position a direction of a tensile force lies above a pivot axis of the actuating handle (4) at least until with the container (2) attached the actuating handle (4) reaches a maximum pivot angle in a retraction direction of the pump piston (7), and with the container (2) removed and with a further increased pivot angle the direction of the tensile force is below the pivot axis so that the actuating handle (4) is maintained in an opened position in relation to the cap element (5).

6. (Previously Presented) In the breast pump in accordance with claim 4, wherein the retracting mechanism (8) has at least one pressure spring, a support element (4.7) on an inside of the actuating handle (4) and a support section (5.11) at the cap element (5) are positioned so that at least with a piston rod inserted, a direction of force of pressure lies below the pivot axis of the actuating handle (4).

7. (Previously Presented) In the breast pump in accordance with claim 6, wherein the pressure spring is a spiral spring with a front suspension lug suspended and retained in a support section (5.11) of a free end section of the retaining element (5.1) which is oriented downward when in use and arcs upward in a U-shape in an interior chamber of the cap element (5) and the attachment (6) and is supported with a free end section bent from the suspension lug on a support element (4.7) arranged on an inside of the actuating handle (4).

8. (Previously Presented) In the breast pump in accordance with claim 7, wherein an electric pump is directly connected with a hose to the connecting sleeve (5.3) arranged on the attachment (6) or to the connecting bore.

9. (Previously Presented) In the breast pump in accordance with claim 8, wherein a connecting point between one of the connecting sleeve (5.3) and the connecting bore and the cap element (5) is sealed by one of a conical connection and a seal ring.

10. (Previously Presented) In the breast pump in accordance with claim 9, wherein an opening is provided on the attachment (6) near the connecting sleeve (5.3) or the connection bore, which can be closed by one of a stopper and a hand.

11. (Previously Presented) In a breast pump having an attachment (6) releasably applied to an opening of a container (2) and having a breast attachment element (6.1), and a manual pump unit (3) which is releasably connected to the attachment (6) by a connecting sleeve (5.3) or a connecting bore having a cap-shaped connecting section, and a pump piston (7) which can be moved back and forth in a stroke chamber (5.2) with an actuating handle (4), which is pivotable and has a retracting mechanism (8, 8'), the improvement comprising:

the cap-shaped connecting section and the stroke chamber (5.2) combined in a mutual cap element (5), which is fixed on the attachment (6) by a retaining means (5.1, 5.3), the retracting mechanism (8) having one side acting on the actuating handle (4) and seated with an other side on the cap element (5), in a completely inserted state of the pump piston (7), a stroke chamber opening (5.4) on a side of the stroke chamber (5.2) facing away from the breast connection element (6.1) covered by an upper section (4.1) of the actuating handle (4) which in a position of use

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is located above a pivot axis, the stroke chamber (5.2) in the cap element (5) curved in an arc-shape in accordance with a movement path of the pump piston (7) which is actuated by an upper section (4.4) of the actuating handle (4), with the container attached, a pivot path of the upper section (4.1) of the actuating handle (4) near a connection to the pump piston (7) selected so large that in a moved-out state at least an upper edge section of the pump piston (7) is outside of an upper opening edge of the stroke chamber opening (5.4), the retracting mechanism (8') having at least one pressure spring, a support element (4.7) on an inside of the actuating handle (4) and a support section (5.14) at the cap element (5) positioned so that at least with a piston rod inserted, a direction of force of pressure lies below the pivot axis of the actuating handle (4), the pressure spring being a spiral spring with a front suspension lug suspended and retained in a support section (5.11) of a free end section of the retaining element (5.1) which is oriented downward when in use and arcs upward in a U-shape in an interior chamber of the cap element (5) and the attachment (6) and is supported with a free end section bent from the suspension lug on a support element (4.7) arranged on an inside of the actuating handle (4), an electric pump directly connected with a hose to the connecting sleeve (5.3) arranged on the attachment (6) or to the connecting bore, a connecting point between one of the connecting sleeve (5.3) and the connecting bore and the cap element (5) sealed by one of a conical connection and a seal ring, an opening provided on the attachment (6) near the connecting sleeve (5.3) or the connection bore, which can be closed by one of a stopper and a hand, and the retaining

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means ~~(5.1, 5.3)~~ having a snap-in element ~~(5.1)~~ which snaps together with the attachment ~~(6)~~ when the cap element ~~(5)~~ is coupled to the attachment ~~(6)~~.

12. (Previously Presented) In the breast pump in accordance with claim 11, wherein the snap-in element ~~(5.1)~~ is embodied as a snap-in tongue ~~(5.1)~~ which is oriented toward the container ~~(2)~~ with a free end section which, in the attached state, extends with a snap-in section behind an edge of the attachment ~~(6)~~ facing toward the container ~~(2)~~ when the cap element ~~(5)~~, located opposite the snap-in tongue ~~(5.1)~~, is pushed on one of the connecting sleeve ~~(5.3)~~ and the connecting bore, which are oriented axis-parallel in relation to the container ~~(2)~~.

13. (Previously Presented) In the breast pump in accordance with claim 12, wherein an interior of the cap element ~~(5)~~ has one of retaining flaps ~~(5.5)~~ and ribs on both sides which form guide elements when placed on the attachment ~~(6)~~ and securing elements against twisting of the cap element ~~(5)~~ in relation to the attachment ~~(6)~~.

14. (Previously Presented) In the breast pump in accordance with claim 38, wherein seating elements are arranged on both of the lateral sections of the cap element ~~(5)~~ and on both lateral sections of the actuating handle ~~(4)~~ which in a form of separable bearing pin/bearing eye connection form the pivot axis between the actuating handle ~~(4)~~ and the cap element ~~(5)~~.

15. (Previously Presented) In the breast pump in accordance with claim 13, wherein in a rear area remote from the breast attachment element ~~(6.1)~~ the cap element ~~(5)~~ has a rounded top which in the pivoted-in state of the upper section

(4.1) of the actuating handle (4) makes a steady transition into the curved exterior of the actuating handle (4).

16. (Previously Presented) In the breast pump in accordance with claim 15, wherein a cross section of the upper section (4.1) and the lower section (4.2) are each outwardly rounded on a rear facing away from the breast attachment element (6.1) and make a steady transition into each other, and an obtuse angle open toward the rear is formed between the upper section (4.1) and the lower section (4.2).

17. (Previously Presented) In the breast pump in accordance with claim 16, wherein an intermediate piece is insertable into a V-shaped gap which when the actuating handle (4) is pivoted is formed in the upper area between the upper section (4.1) and an edge of the stroke chamber opening (5.4), by which a stroke travel of the pump piston (7) is preset to be one of continuous and stepped.

18. (Previously Presented) In the breast pump in accordance with claim 17, wherein spacer cams which contact the upper edge of the container (2) in the attached state are on an inside of a screw connector (6.2) of the attachment (6) for connecting with the container (2) so that an air exchange with an atmosphere is provided in the attached state.

19. (Previously Presented) In the breast pump in accordance with claim 18, wherein the pump piston (7) has a piston rod (7.3) with a backward oriented end section having a releasable hinged connection with the upper section (4.1) of the actuating handle (4).

20. (Previously Presented) In the breast pump in accordance with claim 19, wherein a protrusion made of a soft material is arranged on the interior on a container side of the lower section (4.2) of the actuating handle (4) forming a stop between the actuating handle (4) and the container (2).

21. (Previously Presented) In the breast pump in accordance with claim 20, wherein the manual pump unit (3) and the attachment (6) are arranged so that a weight of each is compensated, and in the empty state with the attachment (6) placed on and the manual pump unit attached (3), the container (2) remains upright.

22. (Previously Presented) In the breast pump in accordance with claim 21, wherein a secondary air regulating unit (9) which can be operated manually from an outside is on the cap element (5) for ventilating a suction chamber which varies during a pump operation.

23. (Previously Presented) In the breast pump in accordance with claim 22, wherein the secondary air regulating unit (9) has at least one of a rotatable insert (9.2) and an attachment (9.3) arranged on an exterior of the cap element (5) which when rotated a flow-through conduit which leads through a wall in the cap element (5) into the stroke chamber (5.2) is one of opened and closed.

24. (Previously Presented) In the breast pump in accordance with claim 1, wherein the stroke chamber (5.2) in the cap element (5) is curved in an arc-shape in accordance with a movement path of the pump piston (7) which is actuated by an upper section (4.1) of the actuating handle (4).

25. (Previously Presented) In the breast pump in accordance with claim 1, wherein with the container attached, a pivot path of an upper section (4.1) of the actuating handle (4) near a connection to the pump piston (7) is selected so large that in a moved-out state at least an upper edge section of the pump piston (7) is outside of an upper opening edge of the stroke chamber opening (5.4).

26. (Previously Presented) In the breast pump in accordance with claim 1, wherein a retracting mechanism (8) has at least one tension spring, a suspension element (4.3) is positioned on the actuating handle (4), and a further suspension element is positioned on the cap element (5) so that with an inserted piston position a direction of a tensile force lies above a pivot axis of the actuating handle (4) at least until with the container (2) attached the actuating handle (4) reaches a maximum pivot angle in a retraction direction of the pump piston (7), and with the container (2) removed and with a further increased pivot angle the direction of the tensile force is below the pivot axis so that the actuating handle (4) is maintained in an opened position in relation to the cap element (5).

27. (Previously Presented) In the breast pump in accordance with claim 1, wherein a retracting mechanism (8') has at least one pressure spring, a support element (4.7) on an inside of the actuating handle (4) and a support section (5.11) at the cap element (5) are positioned so that at least with a piston rod inserted, a direction of force of pressure lies below the pivot axis of the actuating handle (4).

28. (Previously Presented) In the breast pump in accordance with claim 27, wherein the pressure spring is a spiral spring with a front suspension lug suspended and retained in a support section ~~(5.11)~~ of a free end section of the retaining element ~~(5.1)~~ which is oriented downward when in use and arcs upward in a U-shape in an interior chamber of the cap element ~~(5)~~ and the attachment ~~(6)~~ and is supported with a free end section bent from the suspension lug on a support element ~~(4.7)~~ arranged on an inside of the actuating handle ~~(4)~~.

29. (Previously Presented) In the breast pump in accordance with claim 1, wherein an electric pump is directly connected with a hose to the connecting sleeve ~~(5.3)~~ arranged on the attachment ~~(6)~~ or to the connecting bore.

30. (Previously Presented) In the breast pump in accordance with claim 1, wherein a connecting point between one of the connecting sleeve ~~(5.3)~~ and the connecting bore and the cap element ~~(5)~~ is sealed by one of a conical connection and a seal ring.

31. (Previously Presented) In the breast pump in accordance with claim 1, wherein an opening is provided on the attachment ~~(6)~~ near one of the connecting sleeve ~~(5.3)~~ and the connection bore, which can be closed by one of a stopper and a hand.

Claim 32 canceled.

33. (Previously Presented) In the breast pump in accordance with claim ~~32~~ 1, wherein the snap-in element ~~(5.1)~~ is embodied as a snap-in tongue ~~(5.1)~~ which is oriented toward the container ~~(2)~~ with a free end section which, in the attached

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state, extends with a snap-in section behind an edge of the attachment (6) facing toward the container (2) when the cap element (5), located opposite the snap-in tongue (5.1), is pushed on one of the connecting sleeve (5.3) and the connecting bore, which are oriented axis-parallel in relation to the container (2).

34. (Currently Amended) In a breast pump having an attachment (6) releasably applied to an opening of a container (2) and having a breast attachment element (6.1), and a manual pump unit (3) which is releasably connected to the attachment (6) by a connecting sleeve (5.3) or a connecting bore having a cap-shaped connecting section, and a pump piston (7) which can be moved back and forth in a stroke chamber (5.2) with an actuating handle (4), which is pivotable and has a retracting mechanism (8, 8'), the improvement comprising:

the cap-shaped connecting section and the stroke chamber (5.2) combined in a mutual cap element (5), which is fixed on the attachment (6) by a retaining means (5.1, 5.3) having a snap-in element (5.1) snapped together with the attachment (6) when the cap element is coupled to the attachment (6), and

the retracting mechanism (8) having one side acting on the actuating handle (4) and seated with an other side on the cap element (5), wherein an interior of the cap element (5) has one of retaining flaps (5.5) and ribs on both sides which form guide elements when placed on the attachment (6) and securing elements against twisting of the cap element (5) in relation to the attachment (6).

35. (Previously Presented) In the breast pump in accordance with claim 34, wherein seating elements are arranged on both lateral sections of the cap

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element (5) and on both lateral sections of the actuating handle (4) which in a form of separable bearing pin/bearing eye connection form a pivot axis between the actuating handle (4) and the cap element (5).

36. (Previously Presented) In the breast pump in accordance with claim 2, wherein in a rear area remote from the breast attachment element (6.1) the cap element (5) has a rounded top which in a pivoted-in state of an upper section (4.1) of the actuating handle (4) makes a steady transition into the curved exterior of the actuating handle (4).

37. (Previously Presented) In the breast pump in accordance with claim 1, wherein a cross section of an upper section (4.1) and a lower section (4.2) of the actuating handle (4) are each outwardly rounded on a rear facing away from the breast attachment element (6.1) and make a steady transition into each other, and an obtuse angle open toward the rear is formed between the upper section (4.1) and the lower section (4.2).

38. (Currently Amended) In a breast pump having an attachment (6) releasably applied to an opening of a container (2) and having a breast attachment element (6.1), and a manual pump unit (3) which is releasably connected to the attachment (6) by a connecting sleeve (5.3) or a connecting bore having a cap-shaped connecting section, and a pump piston (7) which can be moved back and forth in a stroke chamber (5.2) with an actuating handle (4), which is pivotable and has a retracting mechanism (8, 8'), the improvement comprising:

the cap-shaped connecting section and the stroke chamber ~~(5.2)~~
combined in a mutual cap element ~~(5)~~, which is fixed on the attachment ~~(6)~~ by retaining
a means ~~(5.1, 5.3)~~ having a snap-in element ~~(5.1)~~ snapped together with the attachment
~~(6)~~ when the cap element is coupled to the attachment ~~(6)~~, and

the retracting mechanism ~~(8)~~ having one side acting on the actuating
handle ~~(4)~~ and seated with an other side on the cap element ~~(5)~~, wherein an
intermediate piece is insertable into a V-shaped gap which when the actuating handle
~~(4)~~ is pivoted is formed in an upper area between an upper section ~~(4.1)~~ of the actuating
handle ~~(4)~~ and an edge of the stroke chamber opening ~~(5.4)~~, by which a stroke travel of
the pump piston ~~(7)~~ is preset to be one of continuous and stepped.

39. (Previously Presented) In the breast pump in accordance with
claim 1, wherein spacer cams which contact an upper edge of the container ~~(2)~~ in an
attached state are on an inside of a screw connector ~~(6.2)~~ of the attachment ~~(6)~~ for
connecting with the container ~~(2)~~ so that an air exchange with an atmosphere is
provided in the attached state.

40. (Previously Presented) In the breast pump in accordance with
claim 1, wherein the pump piston ~~(7)~~ has a piston rod ~~(7.3)~~ with a backward oriented
end section having a releasable hinged connection with an upper section ~~(4.1)~~ of the
actuating handle ~~(4)~~.

41. (Currently Amended) In a breast pump having an attachment
~~(6)~~ releasably applied to an opening of a container ~~(2)~~ and having a breast attachment
element ~~(6.1)~~, and a manual pump unit ~~(3)~~ which is releasably connected to the

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attachment (6) by a connecting sleeve (5.3) or a connecting bore having a cap-shaped connecting section, and a pump piston (7) which can be moved back and forth in a stroke chamber (5.2) with an actuating handle (4), which is pivotable and has a retracting mechanism (8, 8'), the improvement comprising:

the cap-shaped connecting section and the stroke chamber (5.2) combined in a mutual cap element (5), which is fixed on the attachment (6) by retaining a means (5.1, 5.3) having a snap-in element (5.1) snapped together with the attachment (6) when the cap element is coupled to the attachment (6), and

the retracting mechanism (8) having one side acting on the actuating handle (4) and seated with an other side on the cap element (5), wherein a protrusion made of a soft material is arranged on the interior on a container side of a lower section (4.2) of the actuating handle (4) forming a stop between the actuating handle (4) and the container (2).

42. (Previously Presented) In the breast pump in accordance with claim 1, wherein the manual pump unit (3) and the attachment (6) are arranged so that a weight of each is compensated, and in an empty state with the attachment (6) placed on and the manual pump unit attached (3), the container (2) remains upright.

43. (Previously Presented) In the breast pump in accordance with claim 1, wherein a secondary air regulating unit (9) which can be operated manually from an outside is on the cap element (5) for ventilating a suction chamber which varies during a pump operation.

44. (Previously Presented) In the breast pump in accordance with claim 43, wherein the secondary air regulating unit (9) has at least one of a rotatable insert (9.2) and an attachment (9.3) arranged on an exterior of the cap element (5) which when rotated a flow-through conduit which leads through a wall in the cap element (5) into the stroke chamber (5.2) is one of opened and closed.

Allowable Subject Matter

Claims 1-31 and 33-44 are allowed over the prior art of record as amended in this office action.

The following is an examiner's statement of reasons for allowance: The claims in this application have been allowed because the prior art of record fails to disclose either singly or in combination the claimed device of a breast pump having an attachment that connects to a container with a breast attachment element, a manual pump unit which is releasably connected to the attachment by a connecting sleeve with a cap-shaped connecting section and a stroke chamber containing a piston, actuating handle, and snap-in element being contained in a mutual cap element with a retracting mechanism having seating elements on lateral sections of the cap element which form a separable bearing connection.

The closest prior art of record is Bachman et al. (5,843,029) and Samson (5,415,632), however these references do not disclose the device as claimed above.

Regarding claims 1, 11, 34, 38 and 41, the closest prior art of record fails to teach among all the limitations the mutual cap element connecting section containing

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the removable manual pump unit with stroke chamber and the snap-in element and retracting mechanism as claimed being removable from the container attachment element.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher D. Koharski whose telephone number is 571-272-7230. The examiner can normally be reached on 7:30am to 4:00pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nick Lucchesi can be reached on 571-272-4977. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

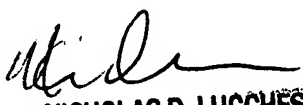
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Date: 3/22/02



Christopher D. Koharski
AU 3763



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SUPERVISORY PATENT EXAMINER
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